

September 5, 1997

OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON  
700 Central Building, 810 Third Avenue  
Seattle, Washington 98104  
Phone (206) 296-4660 Fax (206) 296-1654

REPORT AND DECISION ON APPLICATION FOR PRELIMINARY PLAT APPROVAL

SUBJECT: King County Department of Development and Environmental Services File No. L97P0003

**KIMBERLY LANE**  
Preliminary Plat Application

**Location:** On the east side of 125th Avenue Southeast, approximately 130 feet south of Southeast 172nd Street

**Owner:** Norman & Jean Jannsen  
161 Forest Lane  
Cle Elum, WA 98922

**Developer:** Lakeridge Development, Inc.  
Attn: William Wayne Jones, Jr.  
PO Box 146  
Renton, WA 98057

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions (modified)
Examiner:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application submitted:	January 23, 1997
Notice of complete application:	July 18, 1997

EXAMINER PROCEEDINGS:

**Kimberly Lane - L97P0003**

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Hearing Opened: August 28, 1997

Hearing Closed: August 29, 1997

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.

A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

**ISSUES ADDRESSED:**

- Drainage
- Density

**FINDINGS, CONCLUSIONS & DECISION:** Having reviewed the record in this matter, the Examiner now makes and enters the following:

**FINDINGS:**

1. General Information.

Owner/Developer:	Lakeridge Development, Inc. Phone: 228-9750 Post Office Box 146 Renton, WA 98057
Engineer:	Lakeridge Development, Inc. Phone: 228-9750 Post Office Box 146 Renton, WA 98057
STR:	SW/SE 28-23-5
Location:	Lying on the east side of 125th Avenue SE, approximately 130 feet south of SE 172nd Street.
Zoning:	R-8-P and R-12-P (8 & 12 dwelling units per acre respectively)
Acreage:	2.14 acres
Number of Lots:	13
Density:	6.5 units per acre
Typical Lot Size:	Approximately 4,025 to 5,075 square feet
Proposed Use:	Detached single-family residences
Sewage Disposal:	Soos Creek Water & Sewer District
Water Supply:	Soos Creek Water & Sewer District
Fire District:	#40 - Spring Glen
School District:	#403 - Renton

2. Proposal. Lakeridge Development, Inc. ("the Applicant") proposes to subdivide the subject 2.4 acre property into 13 single family residential building lots. With lots sizes ranging from approximately 4,025 to 5,075 square feet, the proposed 6.5 dwelling units per acre density is

within the density range specified for the property.

3. SEPA. No environmental impact statement is required. On July 29, 1997, the Department of Development and Environmental Services (the "Department" or "DDES") issued a threshold determination of nonsignificance. That is, the Department published its determination that the proposed development will not impose a probable significant adverse impact upon the environment and that, therefore, an environmental impacts statement need not be required. SEPA regulations provide 14 days for appeal of that determination. None was received.
4. Department recommendation. The Department recommends granting preliminary plat approval, subject to 16 conditions of final plat approval, which are listed on pages 7 through 11 of the Department's August 28, 1997, report and recommendation to the Examiner (Exhibit No. 2), subject to the following modifications:
  - A. Renumbering. As printed on page 9, the second paragraph of "Condition No. 10" now becomes **Condition No. 11**. Consequently, recommended Condition Nos. 11 through 15, as stated on Exhibit No. 2, are renumbered 12 through 16.
  - B. Deletion. The second two paragraphs of **New Condition No. 11** (third and fourth paragraphs of old condition No. 10) are DELETED.
5. Applicant's position. The Applicant accepts the Department's recommendation as described in Finding No. 4, above.
6. Issues/concerns. No issues were raised by neighboring property owners. No neighboring property owners or other members of the public appeared at the hearing on this proposal. However, the following areas of serious concern are reviewed in the record:
  - A. Drainage. The property drains southward toward Southeast toward Southeast Petrovitsky Road. The Southeast Petrovitsky Road culvert crossing is sized inadequately to accept peak period storms unless the Applicant develops significant onsite storm retention/detention capacity. Consequently, recommended condition No. 8.A will require the developed retention/detention facility to meet the release rate of the predeveloped one-year/24-hour storm. The volume of the facility will be required to contain the 100-year/24-hour design storm. However, if the downstream capacity problems are corrected or the Applicant's engineer can demonstrate greater capacity downstream, then the stringent release rate may be relaxed commensurately.
  - B. Dwelling density. The City of Renton expresses concern regarding the density of the proposed development (which is barely sufficient to satisfy the King County "minimum density" requirement). The State Growth Management Act ("GMA") requires the County to address such concerns when an interlocal agreement regarding "sphere of influence" has been enacted by both jurisdictions. In this case, no such interlocal agreement exists. Consequently, the density concerns raised by the City of Renton are not addressed in this review. In passing, it should be noted that the relatively small lot sizes on this property are necessitated not only by the County minimum density requirement but also by the preservation of wetlands within the subject property along its northeastern boundary.

7. Department report adopted. Except as noted above, the facts and analysis contained in the Land Use Services Division Preliminary Report dated August 28, 1997, are correct and are incorporated here by reference. A copy of the Land Use Services Division report will be attached to those copies of the examiner's report which are submitted to the King County Council.
8. Any portion of any of the following conclusions which may be construed as a finding is incorporated here by reference.

**CONCLUSIONS:**

1. Based upon the whole record, and according substantial weight to the determination of environmental significance made by the Environmental Division, it is concluded that approval of this subdivision as recommended below would not constitute a major action significantly affecting the quality of the environment. All evidence of environmental impact relating to the proposed action and reasonable alternatives to the proposed action have been included in the review and consideration of this action.
2. If approved subject to the conditions recommended below, the proposed subdivision will comply with the goals and objectives of the Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
3. If approved subject to the conditions recommended below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for drainage ways, streets, other public ways, water supply, and sanitary wastes; and it will serve the public use and interest.
4. The conditions recommended in the Land Use Services Division's Preliminary Report as amended below are in the public interest and are reasonable requirements.

**RECOMMENDATION:**

It is recommended that the subject subdivision, submitted and received January 23, 1997, be granted preliminary approval subject to the following conditions of final approval:

1. Compliance with all platting provisions of Title 19 of the King County Code.
2. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
3. The plat shall meet the base density (and minimum density) of the R-8 and R-12 zone classifications. All lots shall meet the minimum dimensional requirements of the R-8 and R-12 zone classifications or shall be as shown on the face of the approved preliminary plat, whichever is larger. Minor revisions to the plat which do not result in substantial changes may

be approved at the discretion of the Department of Development and Environmental Services.

4. The applicant must obtain final approval from the King County Health Department.
5. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended.
6. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code. If all lots are 35,000 square feet in size or more, or if the subdivision is outside an Urban Growth Area and is developed at a density no greater than one residential building lot per five (5) acres, or a cluster development outside an Urban Growth Area with lots under 35,000 square feet in size and offsetting permanent open space and is developed at a density no greater than one residential building lot per five (5) acres, the subdivision is exempt per KCC 17.08.030.
7. Final plat approval shall require full compliance with drainage provisions set forth in King County Code 9.04 and the storm drainage requirements and guidelines as established by the Surface Water Management Division. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. The following conditions represent portions of the Code and requirements and shall apply to all plats.
  - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and updates which were adopted by Public Rule effective January 1, 1995. DDES approval of the drainage and roadway plans is required prior to any construction.
  - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
  - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # \_\_\_\_\_ on file with DDES and/or the Department of Public Works. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
8. The following conditions specifically address drainage issues for this particular plat:

Downstream capacity problems exist in the stream channel east and south of this site. See The Cascade Vista Drainage Investigation Report by Lin and Associates dated December 1992 done for King County Surface Water Management. As a result of problems identified in this report, the following drainage conditions are required:

- a. The performance of the retention/detention facility shall meet the release rate of the predeveloped 1-year/24-hour design storm. The volume of the facility shall be for the 100-year/24-hour design storm. If the downstream capacity problems are corrected or the applicant's engineer can demonstrate greater capacity downstream, the above release rate may be modified.
  - b. The downstream channel shall be hand cleaned to remove debris between the east boundary of this subdivision and Wetland 104. Permission from the downstream property owners is required to perform this cleaning. If permission cannot be obtained, this work is not required. Proof of contact with the owners is required at engineering plan submittal for the owners' responses.
9. The following road improvements are required with this subdivision to be constructed according to the 1993 King County Road Standards:
  - a. One Hundred Twenty-Fifth Avenue SE (east side only) frontage shall be improved to the urban subaccess standard. This improvement shall include a concrete sidewalk per Section 3.02 of the 1993 King County Road Standards.
  - b. Modifications to the road conditions may be made in conformance with the variance provisions of the 1993 King County Road Standards.
10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid"; if the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
12. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE  
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area

and buffer may not be cut, pruned, covered by fill, removed or damaged without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law.

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

13. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Prior to engineering plan approval, the applicant shall provide notice on title as outlined in KCC 21A.24.170. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to commencing construction activities on the site.
14. A fee-in-lieu of recreation space shall be paid by the applicant to King County. The amount of the fee shall be determined by the King County Parks Division, consistent with the provisions of KCC 21A.14.185, and said fee shall recognize/credit the applicant's proposed "passive use" recreation space provided within Tract "C," consistent with the requirements of KCC 21A.14.180. A recreation space plan shall be reviewed and approved by DDES and the King County Parks Division prior to engineering plan approval.
15. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the recreation and/or open space areas shown as Tracts "B" and "C."
16. Street trees shall be provided as follows:
  - a. Trees shall be planted at a rate of one tree for every 40 feet of frontage along 125th Avenue Southeast. Spacing may be modified to accommodate sight distance requirements for driveways and intersections.
  - b. Trees shall be located within the street right-of-way and planted in accordance with Drawing No. 5-009 of the 1993 King County Road Standards, unless King County Public Works determines that trees should not be located in the street right-of-way.
  - c. If Public Works determines that the required street trees should not be located within the right-of-way, they shall be located no more than 20 feet from the street right-of-way line.
  - d. The trees shall be owned and maintained by the Homeowners' Association or other workable organization unless the County has adopted a maintenance program. This shall be noted on the face of the final recorded plat.

- e. The species of trees shall be approved by DDES and Public Works if located within the right-of-way, and shall not include poplar, cottonwood, soft maples, gum, any fruit-bearing trees, or any other tree or shrub whose roots are likely to obstruct sanitary or storm sewers, or that is not compatible with overhead utility lines.
- f. The applicant shall submit a street tree plan and bond quantity sheet for review and approval by DDES prior to engineering plan approval. Public Works shall also review the street tree plan if the street trees will be located within the right-of-way.
- g. The street trees must be installed and inspected, or a performance bond posted prior to recording of the plat. If a performance bond is posted, the street trees must be installed and inspected within one year of recording of the plat. At the time of inspection, if the trees are found to be installed per the approved plan, a maintenance bond must be submitted or the performance bond replaced with a maintenance bond, and held for one year. After one year, the maintenance bond may be released after DDES has completed a second inspection and determined that the trees have been kept healthy and thriving.

A \$538 landscape inspection fee shall also be submitted prior to plat recording. The inspection fee is subject to change based on the current County fees.

ORDERED this 5th day of September, 1997

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R. S. Titus, Deputy  
King County Hearing Examiner

TRANSMITTED this 5th day of September, 1997, to the following parties and interested persons:

Jeanette & Bill Ash  
David W. Casey, PE  
John & Rosemarie Gran

Norman & Jean Jannsen  
William Wayne Jones, Jr.  
Steve Perkins  
John L. Scott Land Department

Greg Borba, Laura Casey, Marilyn Cox, Paul Eichhorn, Rich Hudson, Michaelene Manion, Lisa Pringle, Steve Townsend, Larry West, Bruce Whittaker, DDES/LUSD  
Paulette Norman, KC Dept. Transportation  
Caroline Whalen, King County Council

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of



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the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) **on or before September 19, 1997**. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council **on or before September 26, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

**MINUTES OF THE AUGUST 28, 1997, PUBLIC HEARING ON DDES FILE NO. L97P0003 - KIMBERLY LANE.**

R. S. Titus was the Hearing Examiner in this proceeding. Participating at the hearing were Rich Hudson and Bruce Whittaker, representing the County; and, David Casey.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Department of Development and Environmental Services File No. L97P003
Exhibit No. 2	Department of Development and Environmental Services preliminary report, dated August 28, 1997
Exhibit No. 3	Application dated January 23, 1997
Exhibit No. 4	Environmental checklist dated January 23, 1997
Exhibit No. 5	Declaration of nonsignificance dated July 29, 1997
Exhibit No. 6	Affidavit of Posting indicating July 31, 1997, as date of posting and August 5, 1997, as the date the affidavit was received by the Department of Development and Environmental Services
Exhibit No. 7	Plat map dated January 23, 1997
Exhibit No. 8	Land use maps 602E and 602W
Exhibit No. 9	Assessors maps SW & SE 28-23-5
Exhibit No. 10	Level I Downstream Analysis received January 23, 1997
Exhibit No. 11	Additional downstream analysis received July 29, 1997
Exhibit No. 12	Wetlands report dated September 24, 1996
Exhibit No. 13	Stream determination dated January 20, 1997
Exhibit No. 14	City of Renton letter received August 11, 1997
Exhibit No. 15	Cascade Vista drainage investigation dated December 1992.

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RST:daz

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